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Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

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Committee against Torture
Fifty-second session

Summary record of the first part (public)* of the 1210th meeting
Held at the Palais Wilson, Geneva, on Monday, 28 April 2014, at 10 a.m.

Temporary Chairperson: Ms. Connors (Representative of the Secretary-General)
Chairperson: Mr. Grossman

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* The summary record of the second part (closed) of the meeting appears as document CAT/C/SR.1210/Add.1.

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The meeting was called to order at 10.10 a.m.

Opening of the session

1. **Ms. Connors** (Representative of the Secretary-General) declared open the fifty-second session of the Committee against Torture and wished the Committee every success on behalf of the High Commissioner for Human Rights, who was currently in South Sudan.

2. She said that the Human Rights Council Special Procedures system currently had 37 thematic mandates, including six working groups, which covered all aspects of human rights, and 14 country or territory mandates, the most recent of which concerned the Central African Republic. There were 73 Special Procedures mandate holders in all. As a result of the newly created mandates and vacancies arising from resignations or ends of term, 26 new mandate holders needed to be appointed. Since the appointments were scheduled to take place on 8 May, the annual meeting of Special Procedures mandate holders had been postponed to the month of October.

3. The Committee would be interested to know that the Special Rapporteur on the question of torture was currently on a mission to Mexico. The issues he needed to address included the implementation of the new criminal procedures legislation, coerced confessions and *arraigo* detention, as well as the treatment and living conditions of persons deprived of their liberty. The Special Rapporteur would also be visiting Thailand in August 2014 and was thus looking forward to receiving the concluding observations that the Committee would adopt when considering the initial report of that country at the current session. The Special Rapporteur was committed to coordination with other human rights mechanisms in the quest to prevent and eradicate torture. Along with the Chairperson of the Committee and that of the Subcommittee on Prevention of Torture, he had been involved in the work on the review of the Standard Minimum Rules for the Treatment of Prisoners that had been conducted in a side event to the Third Committee of the General Assembly. He also supported the Convention against Torture Initiative that had been launched at the twenty-fifth session of the Human Rights Council. His report to that session of the Council (A/HRC/25/60) addressed the rationale and scope of the exclusionary rule in judicial proceedings, the obligation of States to discourage acts of torture and ill-treatment, and the threshold for State responsibility for complicity in torture or ill-treatment or internationally wrongful acts.

4. She also wished to draw the Committee's attention to the study of the Working Group on Arbitrary Detention, pursuant to Human Rights Council resolution 20/16, on draft basic principles and guidelines on remedies and procedures on the right of anyone deprived of their liberty by arrest or detention to bring proceedings in court in order that the court might decide without delay on the lawfulness of their detention and order their release if the detention was not lawful. A consultation with all the stakeholders should be held in September 2014 and a report on the outcome of the consultation would be presented to the Human Rights Council by the Working Group in 2015.

5. With regard to treaty body strengthening, the resolution adopted by the General Assembly on 9 April 2014 marked a historic turning point. In addition to granting more meeting time and human and financial resources to the treaty bodies, it reaffirmed the independence of members, gave greater visibility to their work, and created a capacity building package to help States parties meet their obligations with respect to submission of reports. It also invited the treaty bodies to harmonize their working methods. The members of the treaty bodies were thus encouraged to discuss the best way forward both within and across committees, in order to adopt common measures, in accordance with the commitment undertaken under the "Poznan Formula" and renewed since then by the treaty body chairpersons at all their annual meetings. By taking the lead in the process that had led to the adoption of the Addis Ababa guidelines, the treaty body chairpersons had shown that

they could speak with one voice and, by coming together, play a decisive role in improving their work and reinforcing their independence. Three concrete areas of the General Assembly resolution — namely, the adoption of a simplified reporting procedure, the alignment of methodologies for the dialogue with States parties, and the establishment of a common format for short, focused and concrete concluding observations — would be considered at the meeting of chairpersons in June. She was pleased that the Committee planned to have an in-depth discussion on those issues in the course of the session.

6. The year 2014 marked the thirtieth anniversary of the entry into force of the Convention against Torture, to which 155 States were party. Universal ratification was still far from having been achieved, even though the absolute prohibition of torture was a peremptory and non-derogable norm of international law. On 4 March 2014, the Governments of Chile, Denmark, Ghana, Indonesia and Morocco had launched a 10-year campaign for the ratification and implementation of the Convention, which would also encourage ratification of the Optional Protocol to the Convention. The Office of the High Commissioner for Human Rights (OHCHR) was available to assist the Committee should it wish to meet the supporters of the initiative in order to learn more about their objectives and possible avenues for involvement.

7. She wished to congratulate Ms. Belmir and Mr. Bruni on their re-election and welcomed Mr. Modvig (Denmark) and Mr. Kening Zhang (China), who had been elected to the Committee at the 14th meeting of States parties on 1 October 2013. She informed the Committee that following the resignation of Mr. Sharma on 6 February 2014, Nepal had appointed Ms. Pradhan-Malla, whose appointment would take effect on 12 May, in accordance with the procedure set forth in article 17 of the Convention.

8. The High Commissioner and OHCHR were committed to provide the Committee with the best possible support needed to conduct its work. In that respect, the Committee might wish to consider the OHCHR Management Plan 2014–2017, which had recently been presented to member States and civil society, the priorities of which were directly related to the work of the expert mechanisms on human rights, and particularly that of the Committee.

Solemn declaration by the newly elected members of the Committee

9. **The Temporary Chairperson** invited the two newly elected members to make the solemn declaration provided for in rule 14 of the Committee's rules of procedure (CAT/C/3/Rev.6).

10. **Mr. Modvig** and **Mr. Kening Zhang** made the following solemn declaration:

> "I solemnly declare that I will perform my duties and exercise my powers as a member of the Committee against Torture honourably, faithfully, independently, impartially and conscientiously."

Election of the officers of the Committee

11. **The Temporary Chairperson** suggested, at the request of the members of the Committee, that the meeting be suspended so that they could consult each other before electing the officers.

The meeting was suspended at 10.30 a.m. and resumed at 11.55 a.m.

12. **Mr. Walker** (Office of the High Commissioner for Human Rights – OHCHR) invited the members of the Committee to put themselves or another member forward for the position of Chairperson.

13. **Ms. Gaer** said that she wished to put herself forward for the position of Chairperson.

14. **Mr. Tugushi** proposed Mr. Grossman for the position of Chairperson.

15. **Mr. Walker** (Office of the High Commissioner for Human Rights – OHCHR), noting that no member wished to speak in favour of one candidate or the other, invited the Committee to take a vote by secret ballot.

16. **Mr. Modvig** asked if the Chairperson could be elected at a subsequent meeting, since two members were absent and the new members were not yet well acquainted with the two candidates that had been put forward or with the criteria that needed to be taken into consideration to determine their suitability for the Chair.

17. **Mr. Walker** (Office of the High Commissioner for Human Rights – OHCHR) said that there was no reason why the election could not be postponed until a later date. In that case, the Committee would elect a temporary chairperson from amongst its members to take charge in the interim. Noting, however, that Mr. Modvig's proposal had not triggered any response, he suggested electing the Chairperson by secret ballot as initially planned.

18. *At the invitation of Mr. Walker, Mr. Nataf (Secretary of the Committee) acted as teller.*

19. *A vote was taken by secret ballot.*

Number of ballot papers:	*8*
Number of valid ballots:	*8*
Abstentions:	*1*
Number of members voting:	*8*
Required majority:	*5*
Numbers of votes obtained:	
Ms. Gaer:	2
Mr. Grossman:	5

20. *Having obtained the required majority, Mr. Grossman was elected Chairperson.*

21. *Mr. Grossman took the Chair.*

22. **The Chairperson** suggested electing the other members of the Bureau in closed meetings.

23. *It was so decided.*

Adoption of the agenda (CAT/C/52/1)

24. *The provisional agenda was adopted.*

The first part (public) of the meeting rose at 12.20 p.m.